

a bill of review upon either of the grounds stated cannot be maintained. This bill, then, if it can be maintained at all, must be considered as an original bill in the nature of a bill of review, impeaching the decree upon the ground of fraud, or as a bill asking the court to interfere to prevent its decree from being made the instrument of oppression and injustice. As between the same parties and for the same matters a new original bill cannot be brought after a decree has been made in a cause, and has been enrolled, unless it was obtained by fraud. 3 *Daniel's Ch. Pr.*, 1724.

The bill in the case in which the decree passed, and which decree the present bill seeks to open, was filed on the 16th of January, 1841. It alleges that William Hitch and Joshua Hitch had executed to the complainant there, (who is the defendant here,) two bills of sale of personal property, the one dated the 17th of May, 1838, and the other the 18th of November, 1840, to secure the payment of a large sum of money due from the grantors; that a portion of the property embraced in the conveyances having been sold, and the proceeds applied to the payment in part of the debt, there remained due at the time a balance of \$7580, and the prayer was that the property should be sold for the payment of that balance with interest and costs.

To this bill the defendants, Joshua and William Hitch, filed their answer upon oath, being also signed by both of them as well as by counsel, in which they admit the identical sum claimed in the bill to be due from them, and submit to a decree as prayed.

The answer does not simply admit in general terms that the facts stated in the bill are true, but it admits that the sum due from them on account of said bills of sale to the complainant is \$7580 up to the 6th of January, 1841, as in said bill is expressed.

And two days afterwards, that is, on the 18th of January, 1841, a decree passed for the sale of the property appointing the complainant, Fenby, a trustee for the purpose, and directing a credit to be given for all sums above one hundred dollars. Subsequently, on the 15th and 29th of September, 1842, upon petitions filed by the complainant, and with the consent of the